

OCT - 7 2011  
**RECEIVED** IN THE UNITED STATES COURT OF APPEALS  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

CPI USA North Carolina LLC,  
)  
)  
Petitioner,  
)  
)  
v. )  
)  
U.S. ENVIRONMENTAL )  
PROTECTION AGENCY,  
)  
)  
Respondent. )  
)

Case No. 11-1385

**PETITION FOR REVIEW**

Pursuant to Rule 15 of the Federal Rules of Appellate Procedure, Circuit Rule 15, and Section 307(b)(1) of the Clean Air Act, 42 U.S.C. § 7607(b)(1), CPI USA North Carolina LLC hereby petitions this Court to review the final action of the Respondent United States Environmental Protection Agency in promulgating the final rule entitled “Federal Implementation Plans: Interstate Transport of Fine Particulate Matter and Ozone and Correction of SIP Approvals,” published at 76 Fed. Reg. 48,208 (August 8, 2011).

Respectfully submitted,



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William F. Lane

KILPATRICK TOWNSEND &  
STOCKTON LLP

4208 Six Forks Road, Suite 1400

Raleigh, NC 27609

(919) 420-1794

Counsel for CPI USA North Carolina  
LLC

Dated: October 7, 2011


**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of October 2011, one copy of the foregoing Petition for Review was served by first-class mail, postage prepaid, on each of the following:

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Mail Code 1101A  
Washington, DC 20460

The Honorable Eric H. Holder, Jr.  
Attorney General of the United States  
United States Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, DC 20530-0001

Scott Fulton  
General Counsel  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Mail Code 2310A  
Washington, DC 20460

  
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William F. Lane

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Case No. 11-1385

**RULE 26.1 DISCLOSURE STATEMENT OF PETITIONER  
CPI USA NORTH CAROLINA LLC**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and Circuit Rule 26.1, Petitioner CPI USA North Carolina LLC ("CPI NC") makes the following declarations: CPI NC is a Delaware limited liability company whose sole member is CPI USA Holdings, LLC, a Delaware limited liability company. CPI NC is an indirect wholly owned subsidiary of Capital Power Income L.P., an Ontario limited partnership, whose units are traded on the Toronto Stock Exchange. CPI NC's assets include two electric generating facilities located in Roxboro, North Carolina and Southport, North Carolina.

Respectfully submitted,



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Counsel for CPI USA North Carolina  
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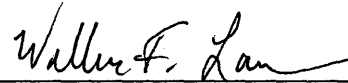
**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of October 2011, one copy of the foregoing Rule 26.1 Disclosure Statement was served by first-class mail, postage prepaid, on each of the following:

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
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1200 Pennsylvania Avenue, NW  
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